

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ALROMA, LLC, *et al*,

Plaintiffs,

vs.

SILVERLEAF FINANCIAL, LLC, *et al.*,

Defendants.

Case No. 2:11-cv-01393-GMN-GWF

**ORDER**

Motion to Withdraw (#33)

Motion to Compel Mediation (#40)

This matter comes before the Court on Hutchison & Steffen's Motion to Withdraw and for Entry of Final Judgment for Costs and Fees (#33), filed on January 19, 2012; Plaintiffs' Limited Opposition to Hutchison & Steffen's Motion to Withdraw and for Entry of Final Judgment for Costs and Fees (#34), filed on January 24, 2012; and Hutchison & Steffen's Reply to Plaintiffs' Response to Motion to Withdraw and for Entry of Final Judgment for Costs and Fees (#35). Also before the Court is NMBL Capital Group, Inc.'s Emergency Motion to Compel Mediation in Good Faith (#40), filed on February 17, 2012.

**I. Motion to Withdraw as Counsel (#33)**

Defendants' counsel Hutchison & Steffen requests the Court allow it to withdraw from representing Defendants Silverleaf Financial, LLC, Dwight Shane Baldwin and Kimberly Schneider. The Court finds Hutchison & Steffen substantially established good cause for withdrawal in this case and therefore grants its request. Hutchison & Steffen further request the Court enter a final judgment of costs and fees in the amount of \$35,942.81, for attorney's fees and costs incurred to date. The Court will take this matter under consideration and enter a report and recommendation.

1     **II. Motion to Compel Mediation in Good Faith (#40)**

2             On December 16, 2011, the Court granted Plaintiff's Motion for a Settlement Conference,  
 3     giving the parties until January 4, 2012 to file a status report concerning the party's agreement to  
 4     mediate. On January 4, 2012, the parties informed the Court they have agreed to mediation with a  
 5     private mediator on February 23, 2012. In light of Hutchison & Steffen's withdrawal and other  
 6     representations made by Defendants, Plaintiff NMBL Capital Group requests that the Court compel  
 7     Defendants to attend the scheduled mediation and participate in good faith. The Court will grant  
 8     Plaintiff's Motion to Compel Mediation in Good Faith to the extent that if Defendants do not  
 9     appear for the scheduled mediation conference and make a good faith effort to mediate, the Court  
 10    will entertain a motion for award of expenses incurred by Plaintiffs, together with the reasonable  
 11    attorney's fees and costs associated with Defendants' failure to participate in the mediation  
 12    conference. Accordingly,

13            **IT IS HEREBY ORDERED** that Hutchinson & Steffen's Motion to Withdraw as Counsel  
 14    for Silverleaf Financial, LLC, Dwight Shane Baldwin, and Kim Schneider (#33) is **granted**.

15            **IT IS FURTHER ORDERED** that Dwight Shane Baldwin and Kim Schneider shall have  
 16    until **Thursday, March 22, 2012**, to advise the Court if they will retain new counsel. While  
 17    Dwight Shane Baldwin and Kim Schneider may choose to retain new counsel or proceed *in proper*  
 18    person, **Silverleaf Financial LLC** must retain new counsel if it intends to continue to litigate this  
 19    matter. A corporation may appear in federal court only through licensed counsel. *U.S. v. High*  
 20    *Country Broad. Co., Inc.*, 3 F.3d 1244, 1245 (9<sup>th</sup> Cir. 1993).

21            **IT IS FURTHER ORDERED** that the Clerk of the Court shall:

- 22            1. add the last known address of **Dwight Shane Baldwin** and **Kimberly Schneider** to  
 23            the civil docket:

24                   **Dwight Shane Baldwin**  
 25                   239 South Main Street, 15<sup>th</sup> Fl  
                     Salt Lake City, UT 84111

26                   **Kimberly Schneider**  
 27                   239 South Main Street, 15<sup>th</sup> Fl  
                     Salt Lake City, UT 84111

28            ...

2. add the last known address of **Silverleaf Financial, LLC** to the civil docket:

**Silverleaf Financial, LLC**  
239 South Main Street, 15<sup>th</sup> Fl  
Salt Lake City, UT 84111

3. serve **Dwight Shane Baldwin, Kimberly Schneider and Silverleaf Financial LLC** with a copy of this order at their last known addresses listed above.

**IT IS FURTHER ORDERED** NMBL Capital Group, Inc.'s Emergency Motion to Compel Mediation in Good Faith (#40) is **granted** to the extent that if Defendants do not appear for the scheduled mediation conference and make a good faith effort to mediate on February 23, 2012, the Court will entertain a motion for award of expenses incurred by Plaintiffs, together with the reasonable attorney's fees and costs associated with Defendants' failure to participate in the mediation conference.

DATED this 22nd day of February, 2012.



**GEORGE FOLEY, JR.**  
**UNITED STATES MAGISTRATE JUDGE**